

FILED

SEP 13 2007

CLERK  
NORTHERN DISTRICT OF CALIFORNIA

E-FILING

SCOTT SCHOOLS  
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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Christopher Francis Lazzaro  
Defendant.

CRIMINAL NO.

CR 07-70537 PVT

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
Procedure that on 9/13/07, the above-named defendant was arrested based upon an  
arrest warrant (copy attached) issued upon an

☒ Indictment ☐ Information ☐ Criminal Complaint ☐ Other  
pending in the Northern District of Georgia/Atlanta, Case Number 07-CR-274

In that case, the defendant is charged with a violation(s) of Title(s) 18 United States Code,  
Section(s) 1343.

Description of Charges: Fraud

Respectfully Submitted,  
SCOTT SCHOOLS  
UNITED STATES ATTORNEY

Date: 9/13/07

[Signature]  
Assistant U.S. Attorney

AO 442 (12/05) Warrant For Arrest

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,

WARRANT FOR ARREST

VS.

CHRISTOPHER FRANCIS LAZZARO  
(Agent to Arrest)

CASE NO. 1:07-CR-274

To: The United States Marshal  
and any Authorized United States Officer

RECEIVED  
07 AUG 15 PM 4:13  
U.S. MARSHAL'S SERVICE  
NORTHERN DISTRICT OF GEORGIA

**YOU ARE HEREBY COMMANDED** to arrest CHRISTOPHER FRANCIS LAZZARO and bring him or her forthwith to the nearest magistrate to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

Charging him or her with (brief description of offense): **FRAUD**  
in violation of **Title 18, United States Code, Section(s) 1343**

JAMES N. HATTEN

Name of Issuing Officer

*James N. Hatten*  
Signature of Issuing Officer

Clerk, U.S. District Court

Title of Issuing Officer

August 15, 2007 at Atlanta, Georgia

Date and Location

Bail Fixed at \$ \_\_\_\_\_

By: \_\_\_\_\_  
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at:

Date Received: \_\_\_\_\_

\_\_\_\_\_  
Name and Title of Arresting Officer

Date of Arrest: \_\_\_\_\_

\_\_\_\_\_  
Signature of Arresting Officer

United States Attorney  
Northern District of Georgia

ORIGINAL

FILED IN OPEN COURT  
U.S.D.C. ATLANTA

United States District Court  
NORTHERN DISTRICT OF GEORGIA  
Atlanta Division

AUG 14 2007

JAMES N. HATTEN, CLERK  
By: *[Signature]* Deputy Clerk

United States

v.

CHRISTOPHER FRANCIS LAZZARO  
Agent to Arrest

1 07-CR-274

No. \_\_\_\_\_

PRAECIPE

The Clerk is hereby directed to issue a warrant for arrest, certified copy (copies) of indictment attached, returnable instantor in the above-stated case.

*[Signature]*

AARON M. DANZIG  
Assistant United States Attorney

Filed In Clerk's Office, this \_\_\_\_\_  
of \_\_\_\_\_, 2007

\_\_\_\_\_  
Clerk

By \_\_\_\_\_  
Deputy Clerk

ISSUED AND DELIVERED  
TO U.S. MARSHALL

8/15/07  
BY: *[Signature]*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

FILED IN OPEN COURT  
U.S.D.C ATLANTA

AUG 14 2007

ATLANTA DIVISION

JAMES N. HARTEN, CLERK  
By:                      Deputy Clerk

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL INDICTMENT  
 :  
 CHRISTOPHER FRANCIS LAZZARO : NO.

THE GRAND JURY CHARGES THAT:

1 07-CR-274

COUNT ONE  
(Wire Fraud)

1. From on or about September 9, 2005, through and including on or about January 27, 2006, in the Northern District of Georgia and elsewhere, the defendant, CHRISTOPHER FRANCIS LAZZARO, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud persons and to obtain money and property from them by means of materially false and fraudulent pretenses, representations, and promises.

2. It was part of the scheme and artifice to defraud for the defendant to:

(a) Obtain and utilize other people's identity and financial information such as names, addresses, and credit card numbers without permission and authorization.

(b) Apply for e-mail accounts hosted by Earthlink, Inc. ("Earthlink"), a company based in the Northern District of Georgia, utilizing identity and financial information obtained from others

without their consent and authorization.

(c) Access, from the State of California, Earthlink's computer servers located in the Northern District of Georgia.

(d) Utilize Earthlink's internet services to send spoofed or fake e-mails ("phishing e-mails") designed to deceive recipients into divulging financial data such as credit card numbers, account usernames, passwords, and social security numbers.

(e) Utilize identity and financial information he received through deceptive means to create debit or ATM cards or other access devices and withdraw funds from those victim's bank accounts.

3. From on or about September 9, 2005, through and including on or about January 27, 2006, in the Northern District of Georgia and elsewhere, the defendant, CHRISTOPHER FRANCIS LAZZARO, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, did cause to be transmitted in interstate commerce, by means of wire communications, certain signs, signals and sounds, that is, said defendant caused wire communications to be sent from the State of California to Earthlink's computer servers in the State of Georgia, in violation of Title 18, United States Code, Section 1343.

COUNT TWO  
(Identity Fraud)

4. The Grand Jury realleges the facts alleged in paragraphs 1 through 3 of this Indictment, incorporating the same by reference herein.

5. From on or about September 9, 2005, through and including on or about January 27, 2006, in the Northern District of Georgia and elsewhere, the defendant, CHRISTOPHER FRANCIS LAZZARO, knowingly used in and affecting interstate commerce and without lawful authority a means of identification of another person with the intent to commit an unlawful activity that constitutes a violation of Federal law, namely, wire fraud, as set forth in Count One of this Indictment, which are incorporated herein by reference, in violation of Title 18, United States Code, Section 1028(a)(7).

COUNT THREE  
(Spamming)

6. From on or about September 9, 2005, through and including on or about January 27, 2006, in the Northern District of Georgia and elsewhere, the defendant, CHRISTOPHER FRANCIS LAZZARO, did knowingly and materially falsify header information in multiple commercial electronic mail messages and did knowingly and intentionally initiate the transmission of such messages in furtherance of the scheme to commit wire fraud, as alleged in Count One and incorporated by the Grand Jury herein, in violation of

Title 18, United States Code, Sections 1037(a)(3) and (b)(1)(A).

COUNTS FOUR THROUGH EIGHT  
(Aggravated Identity Theft)

7. On or about the dates set forth below, within the Northern District of Georgia and elsewhere, the defendant, CHRISTOPHER FRANCIS LAZZARO, did knowingly use, without lawful authority, a means of identification of another person, to wit, their name and credit card number as listed below, during and in relation to a violation of 18 U.S.C. § 1343, to wit, wire fraud:

Count	Date	Victim's Name	Victim's Credit Card Number
4	11/23/05	R.J.	M.C. xxxxxxxxxxxx8597
5	11/30/05	R.M.	Visa xxxxxxxxxxxx1085
6	1/23/06	T.L.	Visa xxxxxxxxxxxx6349
7	12/14/05	T.N-S.	VISA xxxxxxxxxxxx4157
8	1/21/06	J.P.	VISA xxxxxxxxxxxx2911

All in violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE PROVISION

1. Upon conviction of one or more of the offenses alleged in Counts one, two, or four through eight of this Indictment, the defendant, CHRISTOPHER FRANCIS LAZZARO, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) all property constituting or derived from

proceeds he obtained directly or indirectly as a result of the offenses, including, but not limited to a sum of money representing the amount of proceeds obtained as a result of the offense.

2. Upon conviction of the offense alleged in Count three of this Indictment, the defendant, CHRISTOPHER FRANCIS LAZZARO, shall forfeit to the United States pursuant to 18 U.S.C. § 1037(c), any property, real or personal, constituting or traceable to gross proceeds obtained from such offense and any equipment, software, or other technology used or intended to be used to commit or to facilitate the commission of such offense including, but not limited to, a sum of money representing the amount of proceeds obtained as a result of the offense.

3. If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been co-mingled with other property which cannot be subdivided without difficulty;

the United States intends, pursuant Title 21 United States Code,



Section 853(p), as incorporated by Title 18 United States Code, Section 982 (b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

A True BILL  
Heedrick M. Penhault  
FOREPERSON

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY

Aaron M. Danzig  
AARON M. DANZIG  
ASSISTANT UNITED STATES ATTORNEY

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